

Town of Los Altos Hills City Council Special Meeting

Wednesday, May 12, 2004, 7:30 P.M.
Council Chambers, 26379 Fremont Road

1. Call to Order, Roll Call and Pledge of Allegiance

Mayor Cheng called the Special Meeting of the City Council to order at 7:30 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley, Councilmember Bob Fenwick, Councilmember Breene Kerr and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, Assistant City Attorney David Warner, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to two minutes to ensure that all participants in the meeting that wish to speak could be accommodated.

2. Appointment to the Public Education Committee – 1 vacancy

Kathleen Justice-Moore, applicant, introduced herself to Council. Justice-Moore made several corrections to her original application noting that she had attended an additional Public Education Committee Meeting while her application was pending and that she would now consider her statement in the application that she did not “have any particular view on the subject matter, except one that unifies rather than divides residents” to be an opinion.

Councilmember Kerr noted that Justice-Moore was being unanimously recommended for appointment by the Committee.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to appoint Kathleen Justice-Moore to the Public Education Committee for a term of four years.

3. Presentations from the Floor

4. Consideration of request from Los Altos Hills Public Education Committee that the City Council consider adopting a resolution, pursuant to Education Code section 35721, requesting that the appropriate County Committee consider reorganization of certain specified area within Los Altos Hills from Los Altos School District and the Mountain View/ Los Altos High School District to the Palo Alto Unified School District.

Public Education Committee Chair Steve Hubbell summarized the Committee's actions to investigate the options of public education in the Hills. They had collected data via a Town wide survey and conducted three community meetings. The Committee concluded that 80% of survey respondents stated they wanted a neighborhood school. The Committee defined "neighborhood school" as one in Town. The Committee found that 75% of respondents felt the Council should take action to bring public education to the Town and Hubbell believes this action is supported by the Town's General Plan. At this time, a major concern of the Committee is that the option of the Bullis School site will be lost if it is leased by the Los Altos School District to a tenant with a long term lease. Hubbell explained that this concern was what motivated their request for tonight's Special Meeting.

Hubbell reported that yesterday, the Public Education Committee, represented by Duncan MacMillan and Steve Hubbell with Committee liaison Councilmember Kerr, had met with the Palo Alto Unified School District. The District representatives included the Property Subcommittee, District Board Members and the Superintendent and Deputy Superintendent. The meeting had also been attended by the public which included representatives of the Los Altos School District. Hubbell reviewed the Powerpoint presentation that was presented at the meeting with Council. Highlights included: Los Altos Hills is a unique community within the peninsula with no public school, downtown business area, community center or other attributes to foster community interaction; schools are vital to a community; all four elementary schools in the Town have been closed and yet Palo Alto Unified School District and Los Altos School District provide neighborhood schools in their towns; the Hills has become a 'real estate investment trust' for the school districts-Pinewood School pays \$950,000 per year to lease the Fremont Hills school site and Bullis rental income is expected to be \$360,000 per year; our students are divided between two districts and economies of scale do not support establishing and maintaining elementary schools in Los Altos Hills; the Town survey indicates that residents desire change and support it; redistricting the Town to be included in the Palo Alto School District would provide an economy of scale; redistricting of the Covington area is favored by residents but Hubbell noted that it is unclear what the residents in the southern part of Town want at this time. Hubbell explained that any reorganization of the Town should include a Memorandum of Understanding that would ensure a school in Town. He reviewed the school enrollments with Council and property tax revenues that are generated by the Town to the school districts. There are approximately 1500 elementary aged children in Town (K-12) with 943 enrolled in public schools. Approximately 600 children attend private schools which is 40% of the student population while the national average is 10%.

Duncan MacMillan, Public Education Committee member, summarized the meeting results with Council. Contrary to newspaper reports, MacMillan thought the meeting was very positive. He viewed that meeting as the first of several meetings. He reported that the Palo Alto School District did express certain concerns with the proposed reorganization including: the declining enrollment at Nixon Elementary; possible need for an additional high school campus and the fiscal impact on the Los Altos School District and the Mountain View/Los Altos High School District. MacMillan explained that several of these concerns are also driven by additional extraneous factors separate from reorganization.

In reference to the resolution before Council this evening, MacMillan explained that after reviewing the staff report and realizing that the resolution would not provide the expected legal standing to impede the leasing of the Bullis site, the Committee is suggesting modifications to the draft resolution. The amendment would delete the language that would create the petition and start the process for reorganization. The new language would direct the Committee to continue discussions with the Palo Alto School District and to survey the southern part of Town (Loyola attendance area) and west Los Altos to determine their interest in any reorganization. With this information, they would define the "affected area" and a separate committee would gather the 25% of registered voters signatures necessary to petition for reorganization. MacMillan explained that the Committee feels adoption of the amended resolution is still very important and would validate the importance of a "neighborhood school". In conjunction with the adoption of the resolution, the Committee would also like Council to consider the option of purchasing the Bullis site and preserving it for public education.

Assistant City Attorney David Warner clarified that Council should focus on the resolution before them for the purpose of this meeting. The additional considerations, as expressed by the Public Education Committee, while relevant in the decision making process, should not become the subject of the meeting and would be inappropriate.

Mayor Pro Tem O'Malley requested clarification on the proposed resolution before Council tonight and the changes outlined by the Public Education Committee.

Warner explained that the resolution being reviewed by Council and considered for adoption triggers the process for consideration of the reorganization procedure that transfers territory from one school district to another. The county education committee on reorganization is required to consider the resolution and review a series of findings, hold a public hearing and determine if it is appropriate for them to make a recommendation that territory be transferred. If it chooses to make the recommendation, it goes to the State Board of Education. They will evaluate the county committee's recommendation and if they approve it, the County Clerk and the County Superintendent hold an election within the territory that is being considered for transfer. If a majority of the voters approve, then the area is transferred the following year, July 1.

Warner noted that the resolution before Council for consideration would request the county committee to consider the reorganization. For clarification, Warner explained that the Public Education Committee is offering alternative conditions to the resolution that are within the subject matter. The changes would direct the Public Education

Committee to investigate the issue further. Warner commented that the request that “PEC define the citizens group which will undertake an effort to gather signatures of at least 25% of the registered voters in the affected area as a petition to the Santa Clara County Committee on School District Reorganization” is questionable because it authorizes the use of public funds for a ballot initiative. This does not prohibit members of the Public Education Committee members from proceeding with the petition drive as private citizens.

Councilmember Kerr requested that staff be directed to investigate the possibility of a negotiated purchase agreement for the Bullis property and/or the acquisition of the property through a condemnation procedure, if such a thing is even possible and that this item be placed on a future Council agenda for discussion.

OPENED PUBLIC COMMENT

Sandy Carse, Taaffe Road, Los Altos Hills, asked if there was a mandate for the reorganization of the schools. In her opinion, the survey was badly flawed and the response numbers too low to warrant such an action. She believed most residents are very happy with their schools. Carse did not believe the City Council’s role was to govern schools.

Rich Fischer, Superintendent Mountain View/Los Altos School District addressed Council. He explained that Los Altos Hills students have been a part of the District since the inception of the Township and they are valued members of the school’s community. Fischer noted that the loss of the students would be irreparable to the District. He reported that many parents had expressed their concerns about their children being forced to change schools. He asked Council to consider postponing any action on the resolution and taking more time to investigate the ramifications of reorganization.

John Drew, West Loyola Drive (sphere of influence), explained that he respected the tenacity of the group trying to keep a neighborhood school in Los Altos Hills but he is very happy with the Los Altos School District and believed that any change in schools would be very chaotic for his family.

Craig Jones, Byrne Park Lane, Los Altos Hills, stated that he found it very disturbing that anyone could say that the City Council has no role in the issue of education. He believes a community school is an integral part of the community. The survey results called for the City Council to be involved and it is very important to the constituents. Jones would like to see the site purchased by the Town.

Marge Gratiot, Superintendent Los Altos Elementary School District, resident-Los Altos Hills, questioned the legality of the meeting and notice and requested that Council not take any action and reschedule the hearing until the Los Altos School Board has had an opportunity to meet and review the issue. She voiced her opinion that this was not the purview of the Council.

Mayor Cheng asked Superintendent Gratiot why the School Board had declined to meet with Council. Gratiot responded that they are not willing to meet to discuss negotiations that include a lease by the Charter School (yet).

Jackie Sigua, Fremont Road, Los Altos Hills noted that she was an employee of the Los Altos School District. She does not agree with the resolution or the divisive direction in which the issue is moving. There are too many unanswered questions. Sigua suggested that the City Council and Public Education Committee consider working with the school district.

Resident, Foothill Lane, Los Altos Hills, commented on the fact that the Town being split between two school districts had been very difficult and he believed that there was merit in creating a single district. He favors the modifications to the resolution offered by the Public Education Committee that will allow more time for a more thorough investigation.

John Swan, Public Education Committee, announced that June 19th is the one year anniversary of his request to Council for their support to save Bullis School. He believed this was a town-wide issue and would like to see the Town have control over its destiny. He is very concerned that the District will not negotiate in good faith.

Ronald Haley, La Rena Lane, Los Altos Hills, reported that he had met with Assemblyman Joe Simitian to discuss school options. From the discussions, Haley learned that if the Town forms it's own district they could have a K-8 school with children going to Palo Alto or Los Altos for high school. He is investigating the legislative issues surrounding who would vote in the reorganization election. Haley added that it is his opinion that the teacher's union sees the Bullis Charter School as a threat and the Town should do whatever is necessary to protect the Bullis site.

Sandy Humphries, Fremont Road, Los Altos Hills, stated that she cares very deeply for the children of Los Altos Hills and believes that a neighborhood school is a vital part of the community.

John Radford, La Paloma, Los Altos Hills, explained that it is his opinion that the Los Altos School District is using the Bullis site as a revenue opportunity. He encouraged the Council to take action to keep Bullis available for public education. He supports staying in the Los Altos School District.

Linda Swan, Burke Road, Los Altos Hills, explained that a school in Town is important for the children, community and property values.

Cindy McColl, West Sunset Drive, Los Altos Hills, explained that she is extremely pleased with Los Altos School District. She does not support a change and suggested that residents look elsewhere for a social hall.

Tammy Logan, Arbor Avenue, (unincorporated area) stated that she is pleased with the education at Loyola School. Logan questioned if the Council was really considering the impact of their decision on all the children of Los Altos Hills. It is her opinion, that if

there is a reorganization with part of the Town staying in the Los Altos School District (Loyola School) funding for programs for these children will be lost.

Bridgette Morgan, Eloise Circle, (sphere of influence) explained that the students in her neighborhood do not want to move to another district. They are very happy with their education. She implored Council to be very careful with their decision.

Pamela Jones, Byrne Park Lane, Los Altos Hills, explained that the existing boundaries for the two school districts are very arbitrary. The Town and the community are very divided and she supports Council adoption of the resolution.

Doreen Andriacchi, Altamont Court, Los Altos Hills noted that there is a sign in front of Covington School that says no horses. The Town and the City of Los Altos are clearly two different communities. The Town has equestrian and pedestrian trails and is rural in nature. She supports efforts to keep public education in the Town.

Amy Wright, Edge Lane, Los Altos Hills, encouraged the Los Altos School District to consider a short term lease of the site and a long vision to re-open Bullis School. She supported a memorandum of understanding between the Town and the Los Altos School District to keep public education in the Town.

Jim Abraham, Vicaino Road, Los Altos Hills, stated that he resides in the Palo Alto Unified School District. He questioned the objectivity of the Public Education Committee considering the number of Charter School supporters that are members. Abraham believed that Palo Alto should be asked if they are prepared to accept more students especially since the high schools are already at maximum enrollment.

Chris Vargas, Templeton Place, Los Altos Hills, thanked the Public Education Committee for their efforts and the information they had collected and provided for this discussion. He found it astounding how much money is paid in property taxes for education and that there is no public school in Town. Vargas quoted the General Plan as reference for the mandate for Council action on the issue of education. He believes the least disruptive action Council could take would be the purchase of the Bullis site.

Jill Jensen, Public Education Committee member, explained that she is a supporter of public education in the Hills and the Bullis Charter School. She supported Council action to solve the education problem that was never addressed at the time of the Town's incorporation and still exists today. Jensen favors the Town forming its own school district and believes this is the best solution for the future of the Town.

Nancy Kellem, Public Education Committee member, noted that she resides in the Palo Alto School District. She supports the Bullis Charter School but does not see it as a long term solution to the problem of how to bring education back to the Hills.

Allan Epstein, Ravensbury Avenue, Los Altos Hills, questioned what Council would be voting on if the Public Education Committee had withdrawn the resolution. He expressed his belief that the Public Education Committee's survey was flawed and the results do not warrant a mandate. Epstein attended the Palo Alto Unified School District

meeting yesterday and does not believe Palo Alto will accept any new students. He saw no reason for Council to take any action tonight and suggested that they meet with the school district to investigate the option of re-opening Bullis School.

Eric Clow, Central Drive, Los Altos Hills, explained that he has two children in the Los Altos School District. He believes the issue is being driven by the Los Altos School District which has done an excellent job of representing Los Altos residents. He encouraged the City Council to take action to preserve public education in Los Altos Hills.

Debra Valner, Magdalena Road, Los Altos Hills, remarked that she had resigned from the Public Education Committee. Her children attend Loyola School and Mountain View High School. She expressed her opinion that the Public Education Committee has confused the issue. Valner is offended by the meeting and does not feel there was enough notice. She supports the Public Education Committee's recommendation to get more information on the subject.

Dede Huffman, Catherine Court, Los Altos Hills, implored the Council to consider the disruption to the children's education. Her children attended Bullis and now attend Covington School and they are very happy. She is very concerned that there has not been enough public input on the issue and hoped the City Council would not rush into any action.

Marvin Miller, Taaffe Road, Los Altos Hills, stated that he believed the City Council does have a mandate to be involved in education and to protect public education in Los Altos Hills. He feels betrayed by the Los Altos School District and discouraged that they closed Bullis School. Miller is worried that the District will enter into a long term lease for Bullis and reminded Council that the District Board has stated publicly that they are committed to making the Charter School a "Nomad School".

Mark Brier, Esperanza, Los Altos Hills noted that he resides in the Palo Alto School District but his children have attended schools in both districts. He believes they are all good schools but they are not Los Altos Hills Schools. Brier supported the survey findings, explaining that this was an excellent response and good data. Similar towns such as Woodside and Portola Valley have their own school district. Brier supported the collection of more data, the investigation of purchasing the site and the possibility of forming a Los Altos Hills school district with a K-8 school.

Resident, Crestridge, Los Altos Hills, explained he has a child enrolled at Loyola School. He did not believe that a response of 435 surveys represented a mandate for Council action and he suggested that more information be gathered from all areas of the Town.

Kathleen Justice-Moore, Public Education Committee member, stated that she resides in the Loyola School District. She views the issue of education as a Town issue not a school district issue and supports the Committee's effort to gather more information from residents.

Alex Aikens, Orchard Hill, Los Altos Hills, commented that this issue has had an amazing outpouring of community effort. Charter School volunteers and the Public Education Committee members have all volunteered hundreds of hours on this issue. Aikens believes that the closure of Bullis School has caused property values to decline and he encouraged the Council to protect the Town's property values. He hoped Council would pursue the option of purchasing the Bullis site. This is the most non-divisive option and would allow the Town to have control over the site.

Diana Nyman, Milverton Avenue, Los Altos, commented that the survey responses exceeded the number of children affected. This return demonstrates that residents with children became engaged with the survey and that parents do feel very strongly about the issue and expressed their opinions accordingly.

Stacey Ahrens, Public Education Committee member, explained that there is a healthy debate on the issue of public education among the Committee members. She explained that the Committee is responsible for fact gathering and they are not the decision makers. Ahrens would like to see an inclusive solution and supports exploring the option of purchasing the Bullis site.

Joan Schlenz, Paseo del Roble, Los Altos Hills, stated that she has resided in Los Altos Hills for 27 years. She has always had a healthy interest in schools and is thankful for the fine quality of education that has been provided by the Los Altos School District and the Palo Alto Unified School District. She does not want Council to dismiss those residents who have given their time and support in the past to these fine school districts. She does not favor purchasing the Bullis site.

Lisa Langston, West Sunset Drive, Los Altos Hills stated that she did not return her survey because she believed the questions were framed with a bias.

David Pefley, Mauer Lane, Los Altos Hills, explained that he believed the City Council does have a mandate on this type of issue. Schools affect the quality of life and property values in the Town. He would like to see a more comprehensive survey and more data before Council makes a decision on the resolution.

CLOSED PUBLIC HEARING

Assistant City Attorney David Warner clarified for Council that the Special Meeting had been properly noticed under the Brown Act. He explained that Council had before them for their consideration a resolution that was provided in their packet. If Council wished to consider the modifications provided by the Public Education Committee, these are within the scope of this meeting. Warner noted that if Council should authorize a survey, it can not operate as a petition with the same language as a petition. He suggested that a solution to ensure that the survey was properly framed would be to allow review of the survey by the City Attorney.

Councilmember Fenwick explained that this Special Meeting had been requested last week because there was an emergency and that the City Council was going to have to vote on the redistricting of Town. Now it appears the emergency has gone away. The

resolution modifications requested by the Committee are actions that the Committee can do without approval of the resolution. Councilmember Fenwick suggested that since the original proposed resolution is no longer necessary, Council not take any action.

Mayor Pro Tem O'Malley explained that the Public Education Committee had requested that Council take immediate action to preclude the Los Altos School District from signing a long term lease for Bullis with a private school. Council was uneasy with the proposition and scheduled this Special Meeting to garner public input and the meeting has met this goal. He thanked everyone who attended the meeting and had spoken on the subject. He concurred with Councilmember Fenwick, that it is a concern that the emergency that drove this meeting is no longer there. O'Malley explained he is also concerned by the actions of the Los Altos School District. He attended a Board Meeting and spoke on the subject of the Bullis closure and they gave no value to the input from the Town residents. Bullis was closed. O'Malley noted that the question before Council now is the adoption of the amended resolution. He questioned whether any action was necessary other than to encourage the Public Education Committee to continue their good work.

Councilmember Kerr thanked everyone for attending the meeting. He agrees that this is an appropriate issue for the City Council and public meetings are an excellent forum for gathering public input. Kerr explained that the meeting had been properly noticed and there had been considerable press on the meeting including two articles in the San Jose Mercury. He commended the Public Education Committee for their good work and added that there is still work to be done. Kerr explained that his general impression from the meeting with the Palo Alto Unified School District was that it would be difficult to "work out" a Memorandum of Understanding (MOU) with the District and he is not convinced that joining with Palo Alto is the appropriate solution. Kerr noted that all options should be reviewed and studied for their merits. He explained that the reason for the urgency of this Special Meeting was that the Public Education Committee thought that there might be some legal leverage with regard to some actions that the Los Altos School District would be considering next Monday. Kerr stated that he is strongly opposed to the last school site in Los Altos Hills being converted into a private school. He added that it is appropriate for the Council to continue investigating and exploring options to bring public education back to the Hills. Kerr concurred with Mayor Pro Tem O'Malley and Councilmember Fenwick that no action on the resolution was necessary. The Public Education Committee is empowered to gather input from Town residents on education and explore options with the two school districts.

Councilmember Warshawsky concurred that taking action on the proposed resolution was no longer a necessity but he fully supported the Public Education Committee moving forward on the options they had outlined as modifications to the resolution. Warshawsky summarized that the majority of the public input at the meeting supported a public school in Town. The question before everyone is how to achieve this goal. He explained that the Los Altos School District is not willing to meet with Council. He would like some reassurance from the District that they will not enter into a long term lease for the Bullis site. Unfortunately, the District is not very forthcoming and this is creating the uneasiness and feeling that there is a need for urgent actions. Warshawsky would like to see everyone work together and resolve this issue.

Mayor Cheng stated that she agreed with her fellow Councilmembers that no action is required tonight on the resolution. Cheng noted that when this issue first surfaced eighteen months ago, her first impression was that this was an issue for the School District but after talking with her constituents and studying the issues, she has realized that it is her responsibility and she needs to be involved. This has had an impact on all of the residents of the Town. Cheng explained that the Charter School was formed because it was the only viable solution to keeping public education in the Town. She expressed her sympathies for the parents who are concerned about the closure of the school and have taken action and she appreciates their efforts. Cheng understands the Public Education Committee's grave concern that if the Bullis site is rented to a private school, the Town will never get it back. Mayor Cheng expressed her desire to ensure that the Bullis School site is not rented and is secured for the Town. This should be the primary focus of everyone's efforts and then the Public Education Committee could return to Council with other education options.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to direct staff to investigate the possibility of a negotiated purchase agreement for the Bullis property and/or the acquisition of the property through condemnation procedures, if such a thing is even possible. This should be scheduled for discussion at a future meeting and at this time the financing options could be reviewed.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

5. Adjournment

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by O'Malley and passed unanimously to adjourn the meeting at 9:35 pm

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the May 12, 2004 Special City Council Meeting were approved at the June 2, 2004 Special City Council Meeting.